

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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ALICIA B., on behalf of M.B.,

Plaintiff,

3:23-CV-1611 (BKS/PJE)

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**Appearances:**

*For Plaintiff:*

Justin M. Goldstein  
Hiller Comerford Injury & Disability Law  
6000 North Bailey Avenue, Suite 1a  
Amherst, NY 14226

*For Defendant:*

Carla Freedman  
United States Attorney  
Johanny Santana, Special Assistant United States Attorney  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235

**Hon. Brenda K. Sannes, Chief United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

Plaintiff filed this action on behalf of minor M.B., under 42 U.S.C. § 405(g) seeking review of the Commissioner of Social Security's denial of M.B.'s application for supplemental security income benefits. (Dkt. No. 1). This matter was referred to United States Magistrate Judge Christian F. Hummel for a Report-Recommendation. (Dkt. No. 5); Local Rule 72.3(e). On November 1, 2024, after reviewing the parties' briefs, (Dkt. Nos. 11, 13, 14), and the Administrative Transcript, (Dkt. No. 10), Magistrate Judge Hummel issued a Report-

Recommendation recommending that Plaintiff's motion for judgment on the pleadings be denied; that the Commissioner's motion for judgment on the pleadings be granted; and that the final decision of the Commissioner be affirmed. (Dkt. No. 15). Magistrate Judge Hummel advised the parties that under 28 U.S.C. § 636(b)(1), they had "14 days within which to file written objections" to the Report-Recommendation and that "failure to object to th[e] report within 14 days will preclude appellate review." (Dkt. No. 15, at 26 (citing *Roldan v. Racette*, 984 F.2d 85 (2d Cir. 1993); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72 & 6(a)).<sup>1</sup> No objections were filed.

The Court reviews de novo those portions of the Magistrate Judge's findings and recommendations that have been properly preserved with a specific objection. *Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); 28 U.S.C. § 636(b)(1)(C). Findings and recommendations as to which there was no properly preserved objection are reviewed for clear error. *Id.* Neither of the parties has raised any objection to Magistrate Judge Hummel's Report-Recommendation. The Court has reviewed the Report-Recommendation for clear error and found none.

For these reasons, it is hereby

**ORDERED** that Magistrate Judge Hummel's Report-Recommendation (Dkt. No. 15) is **ADOPTED** in all respects; and it is further

**ORDERED** that Plaintiff's motion for judgment on the pleadings (Dkt. No. 11) is **DENIED**; and it is further

**ORDERED** that the Commissioner's motion for judgment on the pleadings (Dkt. No. 13)

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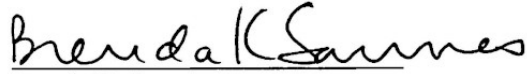
<sup>1</sup> Following Magistrate Judge Hummel's issuance of the Report-Recommendation, this case was reassigned to United States Magistrate Judge Paul J. Evangelista. (Dkt. No. 16).

is **GRANTED**; and it is further

**ORDERED** that the Commissioner's decision is **AFFIRMED**.

**IT IS SO ORDERED.**

Dated: February 18, 2025  
Syracuse, New York

  
Brenda K. Sannes  
Chief U.S. District Judge